

**Notice of Allowability**

Application No.

09/897,257

Examiner

Christopher R. Magee

Applicant(s)

KLEIN, JOHN T.

Art Unit

2653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/09/2004.
2. ☒ The allowed claim(s) is/are 1-20 and 22-33.
3. ☒ The drawings filed on 14 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The reply filed 7/09/2004 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- The application has been amended as follows: Regarding claim 20, insert –tip—after “barbed”. Also, remove “notch” and replace with –groove--.

Authorization for this examiner's amendment was given in a telephone interview with J. Bennett Mullinax on Thursday, September 30, 2004.

### ***Reasons for Allowance***

3. Claims 1-20 and 22-33 are allowed (renumbered as 1-32, respectively).

The following is an examiner's statement of reasons for allowance:

This application is for an OPTICAL MEDIA PICK AND PROCESS.

Art Unit: 2653

- **Claim 1** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*“the tip defining a circular notch within an exterior surface of the tip”*

Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest the tip defining a circular notch within an exterior surface of the tip as claimed in the present invention.

Therefore, these features, in combination with other features of claim 1, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen ‘640.

- **Claim 10** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*“a conical taper defined by the exterior wall of the tip, the tip further defining a plurality of slits, each of said slits extending a length of the tip and at least a portion of said stem, each slit in communication with the axial passage”*

Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest a conical taper defined by the exterior wall of the tip as claimed in the present invention.

Therefore, these features, in combination with other features of claim 10, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen ‘640.

Art Unit: 2653

- **Claim 20** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*“an ‘O’ ring positioned within said groove.”*

Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest an “O” ring positioned with the groove as claimed in the present invention.

Therefore, these features, in combination with other features of claim 21, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen ‘640.

- **Claim 25** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*“providing a pick having a hollow tip operatively engaged by an arm, the tip defining a plurality of segments, each segment being defined in part by a pair of spaced slits in communication with a cavity of the hollow tip”*

Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest the tip defining a plurality of segments, each segment being defined in part by a pair of spaced slits in communication with a cavity of the hollow tip as claimed in the present invention.

Therefore, these features, in combination with other features of claim 25, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen ‘640.

Art Unit: 2653

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 30, 2004

  
Christopher R. Magee  
Patent Examiner  
Art Unit 2653

  
GEORGE J. LETSCHER  
PRIMARY EXAMINER